

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and)	Civil Action No. 3:16-cv-02267
on Behalf of All Others Similarly Situated,)	
Plaintiff,)	Honorable Aleta A. Trauger
vs.)	LEAD PLAINTIFF'S MOTION FOR LEAVE
CORRECTIONS CORPORATION OF)	TO FILE UNDER SEAL
AMERICA, et al.,)	
Defendants.)	
_____)	

Lead Plaintiff Amalgamated Bank, as Trustee for the LongView Collective Investment Fund (“Lead Plaintiff”), by its undersigned counsel, hereby moves the Court for leave to file under seal unredacted versions of: (i) Memorandum of Law in Support of Lead Plaintiff’s Motion for Reconsideration of the January 18, 2019 Order Denying Class Certification (“Motion for Reconsideration”); and (ii) Exhibits B-C, F-HH to the Declaration of Willow E. Radcliffe in Support of Memorandum of Law in Support of Lead Plaintiff’s Motion for Reconsideration of the January 18, 2019 Order Denying Class Certification (“Radcliffe Declaration”), which are being filed contemporaneously herewith as a “Sealed Document” pursuant to Administrative Order No. 167-1, §5.07.

The information and exhibits Lead Plaintiff proposes to file under seal were produced by Defendants¹ in discovery and designated “CONFIDENTIAL” under the Revised Stipulation and Protective Order (“Protective Order”) in this case (ECF No. 86). Pursuant to ¶¶10(b) and 12 of the Protective Order the documents are required to be filed under seal. However, given that much of the information is stale or does not appear to contain trade secret or other confidential research, development, or commercial information, or protected health information or other information that would negatively impact individuals identified in the Protective Order, Lead Plaintiff does not believe grounds exist to overcome the strong presumption in favor of openness as to court records. ECF No. 86 at ¶2; *see Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (“Unlike information merely exchanged between the parties, ‘[t]he public has a strong interest in obtaining the information contained in the court record.’”) (*quoting Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1180 (6th Cir. 1983) (alteration in original)). Defendants should therefore be required to submit an affidavit in support of the confidential designation of these

¹ “Defendants” are Corrections Corporation of America (“CCA”) and certain of its executives. Following the filing of this action, Defendants rebranded CCA and now refer to it as CoreCivic.

documents within seven days, absent which, the exhibits should automatically become part of the public record.

DATED: February 1, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on February 1, 2019, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Willow E. Radcliffe
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Mailing Information for a Case 3:16-cv-02267 Grae v. Corrections Corporation of America et al

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- (No manual recipients)